

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF HUMAN SERVICES

In the Matter of the Revocation of the **FINDINGS OF FACT,
CONCLUSIONS** License of Sarita McGraw to Provide **AND
RECOMMENDATION**
Family Foster Care

This matter came on for hearing before Administrative Law Judge Barbara L. Neilson on April 28, 1998, at the Office of Administrative Hearings in Minneapolis, Minnesota. Bradley J. Kragness, 11666 Wayzata Blvd., Suite 204, Minnetonka, Minnesota 55305, appeared on behalf of the Licensee, Sarita McGraw. Duane A. Bartz, Assistant County Attorney, Office of the Hennepin County Attorney, Health Services Building, Suite 1210, 525 Portland Avenue, Minneapolis, Minnesota 55415-0972, appeared on behalf of the Hennepin County of Children and Family Services and the Department of Human Services. The record closed at the conclusion of the hearing on April 28, 1998.

This Report is a recommendation, not a final decision. The Commissioner of Human Services will make the final decision after a review of the record. The Commissioner may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations contained herein. Pursuant to Minn. Stat. §14.61, the final decision of the Commissioner shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Commissioner. Parties should contact David Doth, Commissioner, Minnesota Department of Human Services, Human Services Building, Second Floor, 444 Lafayette Road, Saint Paul, Minnesota 55155-3815, for information concerning the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue presented in this case is whether the Licensee has violated the statutes and/or rules governing the provision of family foster care and, if so, whether the sanction of license revocation is appropriate.

Based upon all of the proceedings herein, the Administrative Law Judge hereby makes the following:

FINDINGS OF FACT

1. The Licensee, Sarita McGraw, has been a licensed family foster care provider in Hennepin County since 1989. The County and Department have never previously proposed that any adverse action be taken against her license. To the knowledge of the Licensee's County licensing worker, the Licensee's foster children have been well cared for.

2. The Licensee resides with her biological and foster children at 2650 Knox Avenue, Minneapolis, Minnesota 55411. She has three biological children: Katasa (daughter, born 2/25/81), James (son, born 6/4/84) and Faizon (son, born 10/2/93). Exs. 1-7. She currently has two foster children in her care who are brothers: A.S., who was born on 12/2/90, and T.S., who was born on 12/14/91. Exs. 1-4. A.S. and T.S. have been placed in the Licensee's home for five years. The Licensee wishes to adopt them.

3. During the period of 1994-97, the Licensee provided foster care for a total of 15-20 foster children, in addition to her biological children. She has cared for three to five foster children at the same time. The County has issued waivers in the past in order to permit the Licensee to care for more foster children than her licensed capacity of three. Some of these foster children have had special needs, including severe disabilities, cocaine addiction, and mental health problems.

4. At the time of her initial licensure, the Licensee (whose name was then Sarita Porter) signed a Foster Parent Agreement form indicating what the foster parent and the agency may expect of each other. Ex. 12. With respect to disclosure of family members, the form stated that the agency may expect foster parents to "[r]eport to the supervising agency any change in family membership." This expectation has remained the same since 1989.

5. The Licensee was required to complete a license application each year for the purpose of relicensing. As a part of this application, it is necessary to complete a questionnaire for every adult that lives in, or has substantial contact with, the household, or participates in the care of the children.

6. The Licensee completed applications for the relicensing years of 1994 through 1997. On her 1994, 1995, 1996 and 1997 applications, the Licensee did not list the presence of Faizon in the household. Exs. 1-4. Although the Licensee did notify her Hennepin County Aid to Families with Dependent Children (AFDC) worker of Faizon's birth and presence in her home, the Licensee never notified her foster care licensing worker of the birth or presence of her son, Faizon. She also marked "no" on the questionnaires she completed in 1995, 1996, and 1997, in response to the question, "Since your last relicensing, has anyone other than foster children and those individuals listed on your application lived or are living with you?" Exs. 8-10.

7. The Licensee was afraid that the County would remove A.S. and T.S. from her home if the County knew of the addition of Faizon to the household. The Licensee was fearful of losing T.S. and A.S. and was also concerned about their well-being if they were removed from her home, particularly because they had been severely neglected before coming to her home.

8. Mary Ann Stevenson, a County foster care licensing worker, was first assigned to the Licensee on January 2, 1997. She first met the Licensee during an April 2, 1997, relicensing visit. At that time, she indicated in her notes that the Licensee "appears to be a very competent woman who takes foster parenting very seriously." She noted that, as of May 27, 1997, 7.5 hours of training had been completed by the Licensee (less than the required 12 hours), but still recommended that the Licensee be relicensed for three children, either gender, ages 0-8. Ex. 19.

9. The Licensee reported to the County that she was engaged and was planning a wedding, but did not inform the County licensing worker in advance of the date on which her wedding would occur and her husband would join the household.

10. On July 9, 1997, Ms. Stevenson and Mary Kay Libra, a County child protection worker, met with the Licensee to discuss problems that K.H., one of the Licensee's foster children, was having in the home. While the meeting began positively, both the Licensee and Ms. Libra were crying at the end of the meeting. The Licensee's mother had died on June 15, 1997, just a few weeks before the meeting, and the Licensee said that Ms. Libra did not understand. Ms. Libra said that her mother had died recently, too, and both of them cried. K.H. was present during this meeting.

11. On July 14, 1997, Ms. Stevenson met again with the Licensee to discuss several issues, including the Licensee's hours of training, questions about the presence of Faizon and S.D. in the home, and the Licensee's marriage. Ms. Stevenson asked the Licensee to obtain additional hours of training, but did not establish a time limit for doing so. The Licensee said that S.D. was not living with her and indicated that S.D. merely lived in the neighborhood and came over to play. Ms. Stevenson knew from County AFDC that Faizon had been on the Licensee's AFDC grant since his birth, and questioned the Licensee about him. The Licensee told Ms. Stevenson that Faizon was not her child and that he was not residing with her. The Licensee's statements directly contradicted what the Licensee told her AFDC worker and was contrary to the fact that Faizon was her son and had been present in her home since his birth. Ms. Stevenson was aware that the Licensee had become married and informed her during the meeting that she needed to have her husband complete a questionnaire. The Licensee said during the meeting that she had been employed "off and on." When Ms. Stevenson asked where, the Licensee said that it did not matter where she had been employed.

12. Following the July 14, 1997, meeting, Ms. Stevenson received copies of Faizon's birth certificate and other information from Rickie Chukura, a County AFDC worker. Exs. 5, 7. Ms. Chukura informed Ms. Stevenson that AFDC records showed that the Licensee had worked at Cub Foods and UPS during 1995-96. Ms. Chukura also indicated that the Licensee had called her and said that "Faizon has always been in

her home and will always be in her home.” After Ms. Stevenson received this information and reviewed her file, she determined that Faizon had not been listed on the Licensee’s applications since his birth.

13. The Licensee was employed part-time at Cub Foods and UPS between May, 1995, and May, 1996. She was a part-time cashier at Cub Foods during the approximate period of May 28, 1995, to October 6, 1995. Ex. 5. During this period, she worked seven days per week every other week at Cub from 11:30 p.m. to 6:00 a.m. The Licensee also worked at UPS as a part-time loader during the approximate period of October 18, 1995, to May 3, 1996. Ex. 5. During this period, she worked 9:00 p.m. to 3:00 a.m. five days per week. In addition, the Licensee attended school five days per week from 8:00 a.m. to 4:00 p.m. during some portion of 1994-96. There is no clear evidence concerning the dates and length of this schooling. Although the Licensee spoke to an unidentified County employee about working at Cub and going to school at the same time, there is no evidence that she notified her County licensing worker of her employment at Cub or anyone from the County of her employment at UPS. There is no evidence that the Licensee has been employed at any time since the Cub and UPS jobs.

14. The Licensee completed questionnaires for the relicensing years of 1994 through 1997. The questionnaires asked the Licensee to answer the following question: “Since your last relicensing or approval, have any of the following changed? If yes, complete the new information.” After the term “employer,” the Licensee checked the “no” box. Ex. 8. The Licensee was never employed at the precise time that she completed the relicensing questionnaires for the County. She had not yet started working at Cub Foods on April 25, 1995, when she signed the 1995 questionnaire, and she had quit working at UPS by June 5, 1996, when she signed the 1996 questionnaire. See Exs. 8-9. She was not employed on April 2, 1997, when she signed the 1997 questionnaire. The Licensee understood the questionnaires to be asking whether she was employed at that time, or whether her employment status at that time was different than it was at the time she signed the prior year’s questionnaire.

15. The jobs held by the Licensee during 1995-96 and the Licensee’s apparent school attendance during that time caused the Licensee to be removed from the home for extended periods of time. The Licensee’s mother, Signora Porter, watched the Licensee’s foster and biological children while she was at work. Ms. Porter stayed overnight at the Licensee’s house and spent days at her own home. Ms. Porter was approved by the County in 1995 as a substitute caregiver. Ex. 16. The Licensee did not request or receive approval of an alternative supervision plan for the foster children.

16. The Licensee was married on June 28, 1997. Her new husband, Gregory Williams, moved into the family foster home around that time. Mr. Williams had been previously approved by the County as a substitute care giver. During that time, he was not residing in the home, but was merely helping with the children and the house. There is no evidence that Mr. Williams cared for the children on an other than temporary basis.

17. Although a questionnaire for Mr. Williams was eventually completed and sent to the County, the County never received it. The questionnaire pertaining to Mr. Williams was not submitted until sometime after July 14, 1997, several weeks after he had moved into the home.

18. The Licensee did not complete 12 hours of training during the period proceeding the 1997 re-licensure. While the actual amount is in dispute (compare Exs. 13 and 19), it appears that the Licensee had completed 7.5 to 9 hours of training as of late May, 1997. The Licensee completed 7.53 hours of additional training by September 1997 (Ex. 18) and thus has, in any case, fulfilled the 12-hour requirement. The Commissioner approved the Licensee's re-licensure in May, 1997, in spite of her failure to complete the training hours required as of that date.

19. S.D., who was born on 1/19/85, was a foster child in the Licensee's care during 1994-95. S.D. eventually was returned to her mother, but lives near the Licensee's home and comes over from time to time to play with the other children or sleep overnight at the Licensee's home. There is no convincing evidence that S.D. resided with the Licensee in July, 1997.

20. By letter dated September 22, 1997, the County recommended to the Department of Human Services that the Licensee's foster care license be revoked. In that letter, the County indicated that the proposed revocation was based upon the Licensee's knowing failure to include Faizon on her licensing applications in 1994-97, her alleged failure to inform the County of her employment outside the home and failure to secure approval of substitute caregiver plans, the fact that the County had granted waivers based on incorrect information about the number of biological children present in the home, the Licensee's alleged failure to report at her April, 1997, relicensing visit that she had a relationship with anyone or was planning a wedding, the Licensee's alleged failure to return questionnaires relating to her husband, the Licensee's alleged failure to be open to the possibility that it might be in the best interests of a foster child to be placed elsewhere, the Licensee's alleged failure to try to see the viewpoint of other persons, the Licensee's statement that she did not trust anyone at the County, the Licensee's alleged failure to constructively resolve problems and discuss differences of opinion, the Licensee's alleged decision to allow a non-foster-child to stay in the home and failure to report changes in family membership in violation of the Foster Parent Agreement, and the Licensee's completion of only 9 hours of training rather than the required 12 hours. Ex. 13.

21. By letter dated October 15, 1997, the Department of Human Services agreed with the County's recommendation and issued an Order of Revocation. The Department based the revocation order on alleged violations of Minn. R. 9545.0070 (failure to inform the licenser in advance that her new husband was residing in her home and failure to return questionnaires pertaining to her husband); Minn. R. 9545.0090 (not being open to placing a foster child elsewhere and alleged failure to look at best interests of the child); Minn. R. 9545.0100 (failure to cooperate as evidenced by statement that Licensee did not trust anyone at the County and her instruction to a foster child that she could not discuss the Licensee with her case worker); Minn. R.

9545.0130 (failure to inform County of outside employment and failure to obtain substitute caregiver plan); Minn. R. 9545.0150 (failure to have 12 hours of training); Minn. Stat. § 245A.07, subd. 3 (provision of false information on relicensing applications by failing to report child's presence in home and failing to report employment). The letter indicated that, "[d]ue to the chronicity of licensing violations and you knowingly giving false information to your licensor, your license to provide family foster care is being revoked." The letter notified the Licensee of her right to appeal the revocation decision. Ex. 14.

22. By letter dated October 22, 1997, the Licensee appealed the Department's Order of Revocation and requested a contested case hearing. Ex. 15. This proceeding was thereafter initiated.

Based upon the foregoing Findings of Fact, the Administrative Law Judge hereby makes the following:

CONCLUSIONS

1. The Administrative Law Judge and the Commissioner of Human Services have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50, 245A.07, and 245A.08 (1996).

2. Proper notice of the hearing was timely given, and all relevant substantive and procedural requirements of the law or rule have been fulfilled

3. Minnesota law provides that "the commissioner [of Human Services] may suspend, revoke or make conditional, or deny a license if an applicant or a license holder fails to comply fully with applicable laws or rules, or knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application or a license or during an investigation." Minn. Stat. §245A.07, subd. 3 (1996). When applying these sanctions, the Commissioner must "consider the nature, chronicity, or severity of the violation of law or rule and effect of the violation on the health, safety, or rights of persons served by the program." Minn. Stat. § 245A.07, subd. 1 (1996). See also Minn. Rules 9543.1060, subp. 2 (1997) (prior to issuing a negative licensing action, the Commissioner must consider the laws or rules that have been violated, the nature and severity of the laws or rules that have been violated, whether the violations are recurring, the effect of the violations on persons served by the program and the risk of harm posed to such persons, relevant facts, conditions, and circumstances, and any aggravating or mitigating factors). The rules also recognize that revocation is authorized when "continued operation of the program is not in the best interest of the persons served and would pose an unacceptable risk of harm" and that "a false statement knowingly made by the Licensee on the license application" is grounds for license revocation. Minn. R. 9543.1060, subp. 4 (1995).

4. The governing statute also describes the burden of proof in hearings regarding revocation of a family foster care license. It reads as follows:

[T]he commissioner may demonstrate reasonable cause for action taken by submitting statements, reports, or affidavits to substantiate the allegations that the License Holder failed to comply fully with applicable law or rule. If the commissioner demonstrates that reasonable cause existed, the burden of proof shifts to the license holder to demonstrate by a preponderance of the evidence that the license holder was in full compliance with those laws or rules that the commissioner alleges the license holder violated, at the time that the commissioner alleges the violations . . . occurred.

Minn. Stat. §245A.08, subd. 3(a) (1996).

5. As mentioned above, Minn. Stat. § 245A.07, subd. 3 (1996), authorizes the Commissioner to take adverse action if a licensee “knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application or a license or during an investigation.” In addition, Minn. R. 9545.0070 (1995) requires that the agency be “notified, in advance, of any changes that would affect the terms of the license, such as a change of address or additional persons in the home.”). Here, the Licensee knowingly made false statements on her re-licensing applications and on her associated questionnaires by failing to disclose her additional biological child on her 1994-97 forms, and also initially denied that Faizon was her child when questioned by the licensing worker, in violation of Minn. Stat. § 245A.07, subd. 3, and Minn. R 9545.0070.

6. Although the County had knowledge of the Licensee’s engagement, the Licensee did not notify the County in advance of the date on which the wedding would occur and her husband would join the household, in violation of Minn. R 9545.0070 (1995). The Licensee did not knowingly make false statements concerning her employment status on the questionnaires she completed in 1995 and 1996, since she was not working at the time she completed each of the applications and she reasonably interpreted the question on the application forms to seek an affirmative response only if her status at the time she filled out the application was different than her status when she filled out the application the prior year.

7. Minn. R. 9545.0130 (1995) requires that, “[w]hen all adults in the [foster family home] are employed or otherwise occupied for substantial amounts of time away from home, the plans for care and supervision of the foster children must be approved in advance by the agency.” The Licensee failed to obtain County approval of a plan for the care and supervision of the foster children during the Licensee’s extended absences in 1995-96 from the family foster home while she was working and pursuing an education. This failure was not excused by the fact that her mother had been approved by the County as a substitute caregiver. Minn. R. 9545.0010, subd. 13 (1995), defines “substitute caregiver” to mean “the person(s) providing temporary care for the foster child(ren) in the absence of the foster parent(s). . . .” While the Licensee’s mother had been authorized as a substitute caregiver, the care she provided during the Licensee’s employment in 1995-96 was daily, overnight, extended care and was not “temporary” in nature.

8. The County has not demonstrated reasonable cause to believe that the Licensee was housing an additional girl (S.D.) without the knowledge of the agency, in violation of the Foster Parent Agreement. Although one of the Licensee's foster children initially told the County child protection worker that S.D. was living in the Licensee's home in July, 1997, the same child later informed the worker that S.D. "is just a friend who comes to stay once in a while." The Licensee credibly testified that S.D. was living with her mother in a home near the Licensee's home and merely came over to the Licensee's home from time to time to play with the other children or sleep over. There was no convincing evidence that S.D. in fact resided with the Licensee during July 1997.

9. The County has not demonstrated reasonable cause to believe that the Licensee never submitted a completed questionnaire relating to her husband. The Licensee provided convincing testimony that the completed questionnaire was sent to the County, but apparently was never received.

10. Minn. R. 9545.0100 (1995) requires that family foster home "applicants and agencies must be able to work in partnership." In addition, Minn. R. 9545.0090 (1995) instructs that the ability to work with the agency and the ability to deal constructively with problems and difficulties as they arise is essential to a successful family foster home. Minn. R. 9545.0090(B) (1995). The County has not demonstrated reasonable cause to believe that the Licensee lacks the personal qualities described in Minn. R. 9545.0090 or has failed to cooperate with the agency as required by Minn. R. 9545.0100 by virtue of heated and/or emotional statements she made in just two meetings, where no other problems have occurred since her initial licensure in 1989 and it is evident that the recent deaths of the mothers of both the Licensee and the child protection worker contributed to the emotional nature of the discussion. Moreover, there is no persuasive evidence that the Licensee instructed a foster child that she could not discuss the Licensee with her case worker. The Licensee provided credible testimony that she merely told K.H. that she could ask her worker to pose questions to the Licensee if K.H. was uncomfortable answering the questions, and only wanted to avoid putting K.H. in the middle of an uncomfortable situation. Although the Licensee admitted that she stated that she did not trust the licensing worker or anyone at Hennepin County, this statement was clearly made in anger and does not reflect the Licensee's true feelings. However, the Licensee's failure to provide truthful information to the County licensing worker with respect to the presence of her son in the home and her unwillingness to provide the licensing worker with detailed employment information evidences a lack of cooperation in violation of these rules.

11. It thus is concluded that the Commissioner has demonstrated reasonable cause for adverse action against the Licensee's license based upon the Licensee's intentional falsification of relicensing applications and questionnaires with respect to the presence of Faizon in the household, her failure to notify the County of the need to approve a plan for the care and supervision of the foster children when she was away from the foster home for substantial amounts of time in 1995-96, her unwillingness to provide detailed employment information, and her failure to notify the County in advance of the date on which her wedding would occur and her husband would join the

household. Under Minn. Stat. § 245A.08, subd. 3(b) (1996), after the Commissioner demonstrated reasonable cause, the burden of proof shifted to the Licensee to demonstrate, by a preponderance of the evidence, that the Licensee has complied fully with applicable laws and rules. The Licensee has failed to show by a preponderance of the evidence that she was in full compliance with the laws and rules the Commissioner has shown were violated.

12. Minn. R. 9545.0150 (1995) requires that foster care licensees complete 12 hours of training. Because the Licensee did not have 12 hours as of her relicensure application in the spring of 1997, she technically violated this rule. However, the County approved her for relicensure despite this failure and gave her additional time to complete the requirement. No time limit was established within which she was required to comply. The County licensing worker admitted at the hearing that, to her knowledge, no license has ever been revoked for failure to obtain additional hours of continuing education credit. As of September, 1997, the Licensee had obtained the required number of hours of training. Moreover, since the Licensee has been licensed since 1989, the County could, in its discretion, elect to exempt the Licensee from the mandatory annual training requirement. See Minn. R. 9545.0150. Accordingly, the Commissioner should not rely upon this rule violation in determining the appropriate sanction.

RECOMMENDATION

IT IS THEREFORE RESPECTFULLY RECOMMENDED that the Commissioner take disciplinary action against the family foster care license of Sarita McGraw.

Dated this 29th day of May, 1998.

BARBARA L. NEILSON
Administrative Law Judge

Reported: Tape Recorded.

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the Agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

MEMORANDUM

The County and Commissioner have proven their allegations that Ms. McGraw did not truthfully complete licensing applications and questionnaires she submitted in 1994-97 and made false statements to the licensing worker in 1997 with respect to the presence of her son in the foster home. In addition, the County has demonstrated that Ms. McGraw failed to notify the County in advance that she would be away from the foster home for substantial amounts of time in 1995-96 and thus would need approval of a plan for care and supervision of the foster children. In addition, the Licensee's unwillingness to provide detailed employment information and her failure to notify the County in advance of the date on which her wedding would occur and her husband would join the household demonstrates non-compliance with the foster care rules requiring cooperation with the licensing agency and advance notice of additional persons in the home. These violations are serious and cannot be condoned. In particular, as a result of the Licensee's failure to provide truthful information concerning Faizon's presence in the home, the County lacked clear information concerning the number of children in the family foster home and perhaps permitted the Licensee to care for more children than would be proper without a waiver. Moreover, if the County had known that the Licensee was spending substantial time away from the foster care home in 1995-96, it would not have placed younger children with her, in accordance with the County's policy to place children who are 8 years of age or younger only in homes with a non-working parent. The violations of statute and rule that have been shown could be relied upon as a basis to revoke Ms. McGraw's foster care license.

The Commissioner is urged to consider whether a less severe sanction would be appropriate in this case. In determining the appropriate sanction, the governing statute and rules recognize that it is appropriate to consider such factors as the effect of the violations on persons served by the program and the risk of harm posed to such persons, whether the violations are recurring, and any aggravating or mitigating factors. Ms. McGraw has been a dedicated foster care provider since 1989. The Commissioner has never before sought to take adverse action against her license. She has been relicensed every year without any noted concerns or objections from her licensing workers or the Commissioner. In fact, in the relicense approval prepared by the County

licensing worker on May 27, 1997, reports that Ms. McGraw is "very competent" and "takes foster parenting very seriously." At the time of the relicensing report, it thus appears that there were no communication or cooperation problems between Ms. McGraw and the County. Ms. McGraw's licensing worker testified at the hearing that, to her knowledge, the foster children are well cared for.

Ms. McGraw has successfully cared for numerous children over the period of her foster licensure. She has apparently become interested in adopting two of the children that currently reside with her. She provided highly credible testimony at the hearing that it was her love of these children and her fear of losing them that caused her to omit information on her relicensing applications and not disclose her additional biological child. This omission is serious, but does not appear to be a recurring event. Around the time of the July, 1997, meetings which precipitated the revocation action, Ms. McGraw had recently experienced the loss of her mother, with whom she was very close. This loss understandably may have contributed to her emotional and inappropriate conduct. At the hearing, Ms. McGraw acknowledged that she had been wrong to conceal Faizon's addition to the household and admitted that she had reacted inappropriately and said things in anger that, upon reflection, she should not have said. Based upon Ms. McGraw's past record of providing good foster care service and the favorable review at the time of her 1997 re-licensing, it seems that Ms. McGraw should be entitled to show that she can comply with the regulations of the Commissioner and can work with her licensing worker. While it may be necessary to transfer Ms. McGraw to another licensing worker, this action seems reasonable to continue the operation of a successful foster care home.

Ms. McGraw explained that her failure to obtain approval of a supervision plan during 1995-96 was due to her misunderstanding of what was required. She assumed that it was sufficient to leave the children with her mother, who was an approved substitute caregiver. While her actions cannot be excused, revocation of her license is not warranted, particularly where this requirement is not set forth in the Foster Parent Agreement and there was no evidence that this requirement is stressed in the training of foster care providers.

Revocation of her foster care license would preclude Ms. McGraw from caring for any of the foster children in her home and would be disruptive to them. She has demonstrated her ability to be a good foster care provider and should be given an opportunity to demonstrate her desire to continue to be a foster care provider. There is no concern that the family foster home places the children in danger. The violations do not place the children served by the family foster home in immediate harm or danger. While the rules have been broken, the risk of harm is low. It would appear that it would be in the best interests of the children she is currently serving to continue her current license under a probationary basis. A probationary license would provide Ms. McGraw with the opportunity to demonstrate her commitment to being a foster care provider. The probationary conditions could be structured to insure that she must strictly comply with all applicable statutes and rules and that a beneficial relationship is developed between Ms. McGraw and the County licensing agency. If such an approach is adopted, it should be made clear to the Licensee that any lack of cooperation on the

part of the Licensee with the licensing worker or any failure to comply with the law and rules would result in an immediate action to revoke her license.

B.L.N.